



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

## Probate Status Hearing Re: First Accounting or Petition for Final Distribution

<b>DOD: 10/3/1994</b>	<b>ROBERT L. JOHNSON</b> was appointed Administrator without bond and with Limited IAEA authority on 7/31/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued 7/31/12.	<b>Continued from 3/16/16. Minute order states</b> Counsel represents that the Administrator's wife has been ill and he has not been able to obtain the final bank statements necessary for the final account.
<b>Cont. from 100413, 121313, 032814, 072514, 111214, 042215, 060315, 080515, 101415, 120915, 021016, 031616</b>	I & A filed on 9/11/12 shows an estate valued at \$40,000.00	
<b>Aff.Sub.Wit.</b>	<b>Minute order dated 7/31/12</b> set a status hearing on 10/4/13 for the filing of the First Account or Petition for Final Distribution. Minute order indicates Mr. Rindlisbacher was present.	<p>1. <b>Need first account, petition for final distribution or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p><b>Examiner notes</b> Sam Johnson Jr. survived the decedent (petition for probate indicates he died in 2004 or 2005) and declaration filed on 7/23/14 states Sam passed away after the decedent. Therefore, the estate of Sam Johnson Jr. is the other beneficiary of this estate and not his two children.</p>
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<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 4/28/16</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Johnson</b>

Attorney  
Attorney

Kruthers, Heather H. (for Public Administrator)  
Milnes, Michael A. (for Contestants Hope De Santiago and Stephen Galvan)

Petition for Probate of Will and for Letters of Administration with Will Annexed;  
Authorization to Administer Under the Independent Administration of Estates Act

DOD: 10/3/11		<b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.  Full IAEA – ok  Will dated 8/11/09  Residence: Fresno Publication: Business Journal  Estimated value of estate: Real property: \$311,000.00  Probate Referee: Rick Smith  <b>Contest and Grounds for Objection to Probate of Purported Will &amp; of Appointment of Personal Representative was filed 3/16/16. See Page 2.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 4/6/16:</u> Mr. Milnes is admonished to address the defects in the will contest.  <u>Note:</u> Contest and Grounds for Objection to Probate of Purported Will & of Appointment of Personal Representative was filed 3/16/16; <u>however</u> , it does not appear that a summons was submitted therewith for issuance pursuant to Probate Code §8250, and because the document indicated this continued hearing date of 4/6/16, the Contest was not assigned it's own separate hearing date at the counter.  <u>Due to notice requirements, the Contest cannot be heard on 5/4/16. The Court will set the Contest for noticed hearing pursuant to Probate Code §8250 at this time.</u>  <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 121515, 012716, 030216, 040616				
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Reviewed by: skc Reviewed on: 4/28/16 Updates: Recommendation: File 3 - Galvan				

## Page 2

**Contest and Grounds for Objection to Probate of Purported Will & of Appointment of Personal Representative filed 3/16/16 BY Hope De Santiago and Stephen Galvan, daughter and son, states:**

A document dated 8/11/09 purporting to be the last will was filed in this court on 11/9/11. Petitioners are informed and believe and thereon allege that the decedent left no valid Will. Probate of the purported will should be denied on the following grounds:

1. The decedent was not of sound and disposing mind and therefore lacked testamentary capacity at the time of the alleged execution of the purported will.
2. At the time of signing, the decedent was fluent in the Spanish language and not the English language use in the purported will, and the decedent was not able to read or understand documents written in the English language. As a result, the decedent was not able to understand or comprehend the meaning and effect of the English words used in the purported will and their significance, therefore the decedent lacked testamentary intent and the signature of the decedent to the purported will was executed by the decedent under a mistake as to its legal effect.
3. Petitioners allege the purported will is not and never was the decedent's will as it was made as a direct result of undue influence on the decedent by his son, **ARTHUR G. GALVAN**, and other members of his family, and it is now (sic) and never was the will of the decedent.

See contest for description of the undue influence.

**Contestants also object to appointment of the Public Administrator.** Petitioners state on 5/10/13, the PA was appointed under Probate Code §7660 in **13CEPR00400** and since that date has served in that capacity. In connection with this new appointment, the PA failed to give proper notice to the intestate heirs

**NEEDS/PROBLEMS/COMMENTS:**

1. **Petitioner lists only the decedent's four living children at #8; however, it appears that there are additional people entitled to notice of this proceeding, including:**

- Vanessa Galvan (Daughter of deceased son Frank Garcia Galvan, mentioned in the will)
- Vivian Saicon (Granddaughter and Named alternate executor and former conservator of the person)

Therefore, need revised declaration re #8 and proof of service of Notice of Petition to Administer Estate on Vanessa Galvan and Vivian Saicon at least 15 days prior to the hearing per Probate Code §8110.

**Note:** Petitioner's #8 indicates that the will provides for distribution to a trust; however, that does not appear to be the case. Need clarification.

2. **Need date of death of Frank Garcia Galvan per Local Rule 7.1.1.D. Note:** Declaration filed 2/26/16 indicates a date of death for a David Garcia Galvan. Is this a typo? There is no David listed at #8.

**Note:** If granted, the Court will set status hearings as follows:

- Wednesday Oct. 5, 2016 for filing Inventory and Appraisal
- Wednesday July 5 2017 for filing the first account or petition for final distribution

Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Petitioner)  
 Atty Keeler, William J. (for Susan Ford Frantzich)

**Petition for Order Approving Settlement Agreement; and for Order Determining  
 Distribution Provisions of Trusts**

		<b>CASEY S. ROGERS</b> , Trustee, is Petitioner and requests that this Court enter an Order Approving the Settlement Agreement and Mutual Release of All Claims entered into by and among: <b>Trustee Casey S. Rogers, Patricia Elaine Coffman, and Susan Jean Frantzich</b> as set forth in Exhibit A.  <b>See petition and settlement agreement for details.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
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			Reviewed by: skc	
			Reviewed on: 4/28/16	
			Updates:	
			Recommendation:	
			File 4- Ford	

**Status RE: Filing of the First Account**

	<p><b>DAN HABIB</b>, Son, was appointed Conservator of the Estate with bond of \$294,360.00 on 1/26/15. Bond was filed and Letters issued on 2/17/16.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 3/30/16: Counsel requests 30 days.</u>  As of 4/28/16, nothing further has been filed.  1. Need first account per Probate Code §2620 or current written status report per Local Rule 7.5.																																																			
<b>Cont. from 033016</b>	<p><b>The FRESNO COUNTY PUBLIC GUARDIAN</b> was appointed Conservator of the Person on 1/26/15.</p> <p>At the hearing on 1/26/15, the Court set this status hearing for the filing of the first account.</p> <p><b>Status Report of Counsel filed 3/25/16 states</b> Conservator Dan Habib, the son of Conservatee Lillie Habib, initiated a conservatorship action on 12/10/14 due to suspected personal and financial abuse of Ms. Habib by a "care giver." The PG was appointed Temporary Conservator of person and estate on 12/11/14. A restraining order was secured against the care giver. On 1/26/15, Dan Habib was appointed conservator of the estate and on his request, PG continued to serve as conservator of the person. The restraining order continued in place and there have been no incidents.</p> <p>At the time of initiating the conservatorship action, Dan Habib was trustee of the conservatee's 1996 living trust, which was established by Ms. Habib with assistance of her counsel, Baker, Manock &amp; Jensen, as part of an integrated estate plan for managing her assets and personal affairs. This included appointment of Dan Habib as attorney-in-fact under a DPOA and as agent under her Advance Health Care Directive. Under ordinary circumstances, this would have been sufficient to suffice for her care and management of her assets without intervention of a conservatorship.</p>																																																				
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## Page 2

**Status Report of Counsel (Cont'd):** At the time of initiating the conservatorship, the extent to which assets and funds may have been removed from the trust and what, if any, action would be necessary to reconstitute the trust was unclear. Shortly after initiation of the conservatorship, it was confirmed that except for some cash found in a safe (in the care giver's possession) and Ms. Habib's duplex (her prior residence), all assets and funds were in the trust.

On 3/8/16, the Court issued an order in a related trust proceeding (16CEPR00080) confirming title of the duplex in the trust and a title company has confirmed that the order is sufficient to clear title.

The cash from the safe has remained in the custody of police where there is still an open investigation into the care giver's actions and his claims to the cash.

Based on the foregoing, it would appear that conservatorship of the estate is no longer necessary as Ms. Habib's financial affairs are and can continue to be managed under the private financial arrangement adopted prior to the care giver's actions. Consequently, a petition requesting approval of Mr. Habib's accounting has been drafted as a first and final account and includes a request to terminate the conservatorship estate to allow future management under the prior arrangement. Since all personal expenses have been paid by her trust (only Social Security checks were deposited in the conservatorship account), the petition includes an accounting of the trust's income and expenses to provide a more complete account of the situation during this period.

The petition is in draft form but due to an unanticipated crisis in an unrelated client matter, counsel may not be able to complete the draft and obtain Mr. Habib's signature prior to 3/30/16. Therefore, Counsel intends to appear and will request a two-week continuance.

## Petition for Appointment of Guardian of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 3/23/16:</u> Examiner notes provided in open court.  The following remains noted:  1. Petitioner filed declarations of due diligence re the father, paternal grandparents, and maternal grandfather. If diligence is not found, need notice per Probate Code §1511.
Cont. from 121615, 021716, 032316				
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	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/28/16	
			Updates:	
			Recommendation:	
			File 6 - Franklin	



## Petition for Appointment of Guardian of the Person

See Petition for details.			NEEDS/PROBLEMS/COMMENTS:
			<p><u>Minute Order 3/23/16</u>: Examiner notes provided in open court. The Court grants temporary orders; Letters are to issue forthwith. Petitioner is to make further attempts at service.</p> <p>As of 4/28/16, the following issue remains noted:</p> <p>1. Petitioner filed declarations of due diligence for the mother and the maternal grandfather on 3/8/16 and further diligence on 4/20/16.</p> <p>If diligence is not found, need personal service on the mother, and service on the maternal grandfather, of Notice of Hearing and proof of service at least 15 days prior to the hearing per Probate Code §1511.</p>
Cont. from 021616, 032316			
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			Reviewed by: JF/skc
			Reviewed on: 4/28/16
			Updates:
			Recommendation:
			File 9- Villanueva

**Ex Parte Petition for Appointment of Guardian Ad Litem**

			<p><b>ALLIANCE UNITED INSURANCE GROUP</b> is Petitioner and requests appointment of <b>MARIDAUN DEFOREST</b>, Parent, as Guardian ad Litem to represent the interests of <b>STEVIE UNDERWOOD</b>, a person with a disability within the meaning of Probate Code §3603.</p> <p><b>See petition for details.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED TO 5/26/16</u></b> Per attorney request</p> <p><u>Minute Order 3/30/16:</u> Counsel requests a continuance to address the defects.</p> <p><u>Note:</u> This petition was filed ex parte on 2/18/16. On 3/9/16, the Court ordered the ex parte petition set for hearing on 3/30/16 with 15 days' notice to interested parties. Order setting hearing was mailed to Attorney Berger on 3/10/16.</p> <p>As of 4/28/16, nothing further has been filed. The following issues remain noted:</p> <ol style="list-style-type: none"> <li>1. A person may not act as a guardian ad litem unless he or she is an attorney or is represented by an attorney. See NOTE at caption of the petition.</li> <li>2. Need proof of service of Notice of Hearing on this Petition for Appointment of Guardian ad Litem at least 15 days prior to the hearing per Order of 3/9/16, including: <ul style="list-style-type: none"> <li>- Stevie Underwood</li> <li>- Maridaun Forest</li> <li>- Other interested parties/agencies</li> </ul> </li> </ol>
<b>Cont. from 033016</b>				
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			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4/28/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13A- Underwood</b></p>	

Petition for Order Establishing Special Needs Trust

			<b>STEVIE UNDERWOOD</b> , by and through her Guardian ad Litem <b>MARIDAUN DEFOREST</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>See petition for details.</b>	<b><u>CONTINUED TO 5/26/16</u></b> Per attorney request
<b>Cont. from 033016</b>				<b>Note:</b> Ms. DeForest's standing as GAL is contingent on her appointment pursuant to the petition at Page A.  <b>Minute Order 3/30/16:</b> Counsel requests a continuance to address the defects.  As of 4/28/16, nothing further has been filed. The following issues remain noted:  <b><u>SEE PAGE 3</u></b>
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				<b>Reviewed by:</b> skc
				<b>Reviewed on:</b> 4/28/16
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 13B- Underwood</b>

**NEEDS/PROBLEMS/COMMENTS:**

1. Notice of Hearing was served only on the agencies required at Probate Code §3602(f), but was not served on the proposed beneficiary, the proposed trustee, the proposed alternate trustee, or any other interested persons. Therefore need continuance for proper notice to the following:
  - Proposed beneficiary Stevie Underwood
  - Proposed trustee Maridaun DeForest
  - Proposed alternate trustee Neoala DeForest
  - Other remainder beneficiaries (see #2 below)

**Note:** The Court may require clarification regarding the named alternate trustee Neoala DeForest. How is this person related to the beneficiary?

**Note:** Although Maridaun DeForest is technically the petitioner herein, she is not represented by the filing attorney, who in fact represents the insurance agency that will be funding the trust based on a settlement with Ms. DeForest on Ms. Underwood's behalf. Therefore, despite Probate Code §1201 not requiring notice to self, it appears notice to Ms. DeForest is appropriate in this instance.

2. The trust at Article Six, provides that if the beneficiary leaves no spouse or issue, then her mother, Maridaun DeForest, is the remainder beneficiary. However, pursuant to intestate succession §6402(b), both parents would be her heirs. Therefore, need clarification regarding the omission of Stevie Underwood's father from this section. Notice of Hearing should also be given to the father as an interested person.
3. It is the policy of the Court to require Court approval for major purchases (over \$2,000.00), which after purchase become assets of the trust. See Local Rule 7.19.B. It appears this language should be added to Article Three. Need revised proposed trust.
4. The trust should include a "Schedule A" which lists the assets that will fund the special needs trust. See Local Rule 7.19.A.

**Note:** Given the proposed value (\$13,500.00), the Court may require further information regarding Petitioner's plans for use of the funds. Does Petitioner intend to make one or a few large purchases, such as a vehicle or a residence (per Article Seven, Section 5), or does Petitioner intend to maintain the funds in the trust for smaller special needs of the beneficiary?

5. Petitioner requests bond be waived pursuant to Probate Code §§ 2323, 2628 given the value of the trust (See Article Eight, Section 1; Cal. Rule of Court 7.903(d); however, it is the policy of the Court to require blocked account in lieu of bond. Therefore, if bond of \$14,850.00 is not required pursuant to Cal. Rules of Court 7.903(c), 7.207, Probate Code §2320(c), need Order to Deposit Money Into Blocked Account (MC-355), and the Court will set a status hearing for the filing of the receipt (MC-356).

**SEE ADDITIONAL PAGES**

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NEEDS/PROBLEMS/COMMENTS (Cont'd):

6. Petitioner requests the Court waive accountings (See Article Eight, Section 4) pursuant to Cal. Rule of Court 7.903(d), given the value of the trust; however, it is the policy of the Court to require at least a first account pursuant to Probate Code §2620(a) prior to waiver of *further* accounts. See Local Rule 7.8 re blocked accounts. If a first account is required, the Court may set a status hearing for its filing.
7. Need order. Local Rule 7.1.1.F.

Note: If granted, the Court may set status hearings as follows:

- Wednesday, June 15, 2016 for the filing of bond of \$14,850.00 or receipt for blocked account (MC-356), as required.
- Wednesday, July 5, 2017 for the filing of the first account, if required.

If the proper items are on file, status hearings may come off calendar. See Local Rule 7.5.

**23 Charles David Tucker (Estate)****Case No. 0522981****Former Executor: Terry Tucker (pro per)****Successor Administrator: Public Administrator****Probate Status Hearing RE: Filing of an Inventory and Appraisal and Filing of a First or Final Account**

<b>DOD: 3/4/1994</b>	<b>TERRY TUCKER</b> was appointed as Executor with full IAEA and without bond on 1/17/1995.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued on 1/17/1995.	
	Inventory and Appraisal was due June 1995.	1. Status Report was not served on all necessary parties. Local Rule 7.5B.
<b>Cont. from 042016</b>	Creditor's claim filed on 2/14/1995 by Stephens & Bean Chapel in the amount of \$1,160.11.	
<b>Aff.Sub.Wit.</b>	First account or petition for final distribution was due March 1996.	
<b>Verified</b>	<b>Minute Order dated 1/20/16</b> states the Court orders Terry Tucker removed as Executor and appoints the Public Administrator. Mr. Tucker reports that the home was lost to foreclosure in 1996, but there are vehicles and a business.	
<b>Inventory</b>	Letters for the Public Administrator issued on 4/22/16	
<b>PTC</b>	<b>Status Report filed on 4/14/16</b> states the Court appointed the Public Administrator as Successor Administrator. This matter was assigned to Deputy Public Administrator Scott Stacy. He reports the following information:	
<b>Not.Cred.</b>	He talked to him on the phone approximately four times, one of which while he was in the hospital. He arranged for him to come to the Public Administrator's Office about three weeks ago, but he did not show up and he has not been able to contact him since. He has left a couple of messages for him. He has not be able to get him to turn over anything that he did regarding the estate prior to his removal. He doesn't know what assets there may be in the estate due to the former administrator's lack of cooperation.	
<b>Notice of Hrg</b>	The Public Administrator does not have any information with which to file an Inventory and Appraisal or final account.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Reviewed by: KT****Reviewed on: 4/28/16****Updates:****Recommendation:****File 23- Tucker**